



RCE/3679
CC

Practitioner's Docket No.: F-8040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Edward Sax et al.
Applic. No. : 10/076,978 Group No. : 3679
Filed : February 15, 2002 Examiner : Ryan M. Flandro
For : Fence Construction System for Building a Fence with a Wall Appearance
and Characteristics and Method for Building such a Fence

16/02 & RCE 1/215
EP
10-21-03

MAIL STOP RCE
Commissioner for Patents,
Alexandria, VA 22313-1450

RECEIVED
OCT 17 2003
GROUP 3600

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

CERTIFICATION UNDER 37 C.F.R.1.8(a) and 1.10
(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
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- ☐ 37 C.F.R.1.8(a) - transmitted by facsimile to the Patent and Trademark Office.

Signature of Practitioner

Date: October 9, 2003
10/15/2003 CNGUYEN 00000046 10076978

RALPH E. LOCHER
REG. NO. 41.947

01 FC:2801 385.00 OP
02 FC:2252 155.00 OP

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above-identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted:
- i. ☒ Prior to abandonment of the application
 - ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of the issue fee
 - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
 - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
 - iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145; or
 - ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

3. a) Previously submitted
- ☒ Consider the amendment under 37 C.F.R. 1.116 previously filed on September 12, 2003.
(Any unentered amendments referred to above will be entered)
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously submitted on
 - ☐ Other
- b) Enclosed herewith is/are:
- ☐ An information disclosure (37 C.F.R. §1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
 - ☐ An amendment
 - ☐ New arguments
 - ☐ New evidence in support of patentability
 - ☐ Other:

FEE FOR REQUEST (37 C.F.R. § 1.17(e))

4. This application is on behalf of:
- ☒ Small entity (and status is still as small entity) \$385.00
- ☐ Large entity \$770.00

Continued Prosecution Request Fee \$385.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. §1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	Small Entity			Large Entity	
	Claims remaining after amendment		Highest No. previously paid for	Present Extra	Rate	Add.Fee	Or	Rate	Add.Fee
Total	42	Minus	42		x\$9=	\$		x\$18=	\$
Indep.	6	Minus	6		x\$42=	\$		x\$84=	\$
First Presentation of Multiple Dependent Claims					+\$140=	\$		+\$280=	
					Total Addit.Fee		Or	Total Addit.Fee	

- (c) ☒ No additional fee is required.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

<input checked="" type="checkbox"/> Extension two months	Large Entity \$ 420.00	Small Entity \$ 210.00
	Fee:	\$ 210.00

- ☒ An extension for one (1) month has already been secured, and the fee paid therefor of \$55.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$155.00

TOTAL FEES DUE

7. The total fees due are:

<input checked="" type="checkbox"/>	Continued Prosecution Fee (§ 1.17(e))	\$385.00
<input checked="" type="checkbox"/>	Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$155.00
	Total Fees Due	\$540.00

PAYMENT OF FEE(S) DUE

8. Please pay the fees for this continued examination application as follows:

<input checked="" type="checkbox"/>	Charge Credit Card the sum of	\$540.00
	(Credit Card Payment Form (PTO-2038) attached)	

Please charge any required additional fees for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

☒ Account No. 12-1099 of Lerner and Greenberg, P.A.

INVENTORSHIP

9. This application as amended names as inventors:

☒ the same inventors as previously designated for the claims.

10. **Instructions as to Overpayment**

☒ Credit Deposit Account No. 12-1099.

☐ Refund


SIGNATURE OF PRACTITIONER

RALPH E. LOCHER
REG. NO. 41,947

Date: October 9, 2003

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/bb

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